

REMARKS

Applicants file concurrently herewith a Request for Continued Examination (RCE) in response to the Final Office Action mailed October 5, 2009 (hereinafter, "Office Action"). In the Office Action, the Examiner rejected claims 18, 20, and 24-33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,896,618 to Benoy et al. (hereinafter, "Benoy") in view of U.S. Patent Application Publication No. 2008/0171601 to Kirmse et al. (hereinafter, "Kirmse").

By this response, Applicants hereby amend claims 18, 24, 26, 32, and 33, and cancel claim 20 without prejudice or disclaimer of its subject matter. Support for the amendments can be found in the specification at, for example, page 16, line 23 through page 17, line 6. No new matter has been added. Accordingly, claims 18 and 24-34 are currently pending.

In light of the foregoing amendments and based on the reasoning presented below, Applicants respectfully traverse the rejection of the claims under 35 U.S.C. § 103(a), and request allowance of pending claims 18 and 24-34.

I. Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 18, 20¹, and 24-33 under 35 U.S.C. § 103(a) as being unpatentable over the cited art. A *prima facie* case of obviousness has not been established because, among other things, the cited art fails to teach or suggest each and every element of Applicants' claims.

¹ While the rejection of claim 20 has been rendered moot by the cancellation of that claim, the subject matter of claim 20 has been included in amended claim 18.

Specifically, Applicants respectfully submit that amended independent claims 18, 24, 26, 32, and 33 are allowable because neither Benoy, nor Kirmse, taken alone or in any reasonable combination, teaches or suggests, at least Applicants' claimed

(e) calculating points acquired as a result of the player's game play,

wherein there are a plurality of optional messages and plural first ones of the optional messages are stored on the server device before starting the game in association with certain values of points to be acquired by the player, and the server device sends one of the first ones of the optional messages to the terminal device for display in accordance with the result of the game played by the player, and

wherein a second one of the optional messages is stored in association with a special result of the game played by the player, and if the special result occurs in the game played by the player, the server device sends the second one of the optional messages to the terminal device so that the second one of the optional messages can be displayed on the terminal device,"

as recited in amended independent claim 18, and similarly recited in amended independent claims 24, 26, 32, and 33.

In rejecting claim 20, which is substantially included in the above-quoted recitations of independent claims 18, 24, 26, 32, and 33, the Examiner does not rely upon Benoy. Indeed, Benoy fails to disclose or suggest at least these recitations.

The Examiner alleges, however, that "Kirmse teaches calculating points acquired as a result of the player's game play, wherein the optional message to be displayed on the terminal device is stored on the server device in association with a certain value of points to be acquired by the player before starting the game . . . , wherein plural ones of the optional messages are stored in relation with certain values of game points,

respectively, one of which is given to the player in accordance with a game result executed by the player” Office Action, p. 5. According to the Examiner, “the point system in which is calculated is represented by the ‘1’ which would represent the flagging of the player which would mean the player is online and playing a game in where another player can join.” Id. The Examiner goes on to state that “the ‘available’ smiley icon which is associated with the flagging that a character is available is the optional message being displayed.” Id.

However, the smiley icon of Kirmse does not correspond to “the optional message to be displayed,” as recited in amended independent claim 18. Instead, as the Examiner correctly acknowledges at page 5 of the Office Action, the smiley indicator of Kirmse is “associated with the flagging that a character is available”

Thus, Kirmse fails to overcome the deficiencies of Benoy, as set forth above, and the failure of Benoy to disclose or suggest, *inter alia*, “plural first ones of the optional messages are stored on the server device before starting the game in association with certain values of points to be acquired by the player, and the server device sends one of the first ones of the optional messages to the terminal device for display in accordance with the result of the game played by the player,” as recited in amended independent claim 18.

Accordingly, neither Benoy, nor Kirmse, whether taken alone or in combination, discloses or suggests, at least the above-quoted recitations of amended independent claim 18. Amended independent claims 24, 26, 32, and 33, although of different scope, include recitations similar to those discussed above with respect to amended independent claim 18. Therefore, for at least the reasons discussed above, amended

independent claims 18, 24, 26, 32, and 33 are nonobvious over Benoy and Kirmse, and should be allowed.

Claims 27, 28, and 34 depend from amended independent claim 18. Claims 25, 29 and 30 depend from amended independent claim 24. Claim 31 depends from amended independent claim 26. For at least the same reasons as set forth above in connection with their corresponding amended independent claims, claims 25, 27-31 and 34 are also nonobvious over Benoy and Kirmse, and should be allowed.

II. Conclusion

The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statements are identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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